

IN THE CIRCUIT COURT OF MARION COUNTY, WEST VIRGINIA

**EMILY CALHOUN SANTINI, individually,
and as Executrix of the Estate of
Steven Gene Santini, deceased,**

Plaintiff,

v.

**Civil Action No. 20-C-46
Judge Patrick Wilson**

**CITY OF FAIRMONT, a municipal corporation,
JAKOB NATHANIEL STREYLE, and
CHRISTOPHER GUINUP,**

Defendants.

**DEFENDANT CITY OF FAIRMONT'S RESPONSES TO PLAINTIFF'S
FIRST SET OF REQUESTS FOR ADMISSIONS**

1. Admit that Defendant Jakob Nathaniel Streyle was employed by the City of Fairmont as a patrolman on July 10, 2019.

RESPONSE: Admit.

2. Admit that Defendant Christopher Guinup was employed by the City of Fairmont as a patrolman on July 10, 2019.

RESPONSE: Admit.

3. Please admit that Defendant Jakob Nathaniel Streyle was operating the 2016 RAM RTR2 police pickup truck within the scope of his employment with the City of Fairmont at the time of the motor vehicle crash at issue in this case.

RESPONSE: Admit.

4. Please admit that Defendant Christopher Guinup was acting within the scope of his employment with the City of Fairmont when he was a passenger in the 2016 RAM RTR2 police pickup truck being driven by Defendant Jakob Nathaniel Streyle at the time of the motor vehicle crash at issue in this case.

RESPONSE: **Admit.**

5. Please admit that Defendant Jakob Nathaniel Streyle was not operating the police truck in response to an emergency call at the time of the motor vehicle crash at issue in this case.

RESPONSE: **Admit.**

6. Please admit that Defendant Jakob Nathaniel Streyle did not have police truck's emergency lights and audible siren engaged at the time of the motor vehicle crash at issue in this case.

RESPONSE: **Admit.**

7. Please admit that Defendant Jakob Nathaniel Streyle was not operating the police truck in the pursuit of an actual or suspected violator of the law at the time of the motor vehicle crash at issue in this case.

RESPONSE: **Admit.**

8. Please admit that Defendant Jakob Nathaniel Streyle was operating the 2016 RAM RTR2 police pickup truck in excess of the posted speed limit of 35 m.p.h. on Country Club Road

in Fairmont, Marion County, West Virginia, immediately preceding the motor vehicle crash at issue in this case. (“Immediately preceding” is defined as 3 seconds before the actual impact.)

RESPONSE: Based upon information contained in reports issued in this matter, the City of Fairmont admits this Request. However, the City of Fairmont lacks sufficient information or knowledge as to the accuracy of the reports, and therefore, reserves the right to supplement or amend this response as necessary as discovery progresses.

9. Please admit that Defendant Jakob Nathaniel Streyle was operating the 2016 RAM RTR2 police pickup truck in excess of 70 m.p.h. on Country Club Road in Fairmont, Marion County, West Virginia, immediately preceding the motor vehicle crash at issue in this case. (“Immediately preceding” is defined as 3 seconds before the actual impact.)

RESPONSE: Based upon information contained in reports issued in this matter, the City of Fairmont admits this Request. However, the City of Fairmont lacks sufficient information or knowledge as to the accuracy of the reports, and therefore, reserves the right to supplement or amend this response as necessary as discovery progresses.

10. Please admit that Defendant Jakob Nathaniel Streyle violated West Virginia Code § 17C-6-1(a) by failing to abide by posted speed restrictions while operating the 2016 RAM RTR2 police pickup truck on Country Club Road in Fairmont, Marion County, West Virginia, at the time of the motor vehicle crash at issue in this case.

RESPONSE: This Defendant objects to the Request for Admission as this Request calls for a legal conclusion or otherwise attempts to re-cast legal issues as factual matters.

11. Please admit that Defendant Jakob Nathaniel Streyle violated West Virginia Code § 17C-6-1(b) by failing to abide by posted speed restrictions while operating the 2016 RAM RTR2 police pickup truck on Country Club Road in Fairmont, Marion County, West Virginia, at the time of the motor vehicle crash at issue in this case.

RESPONSE: This Defendant objects to the Request for Admission as this Request calls for a legal conclusion or otherwise attempts to re-cast legal issues as factual matters.

12. Please admit that Defendant Jakob Nathaniel Streyle violated West Virginia Code § 17C-5-3(a) by driving the 2016 RAM RTR2 on Country Club Road in Fairmont, Marion County, West Virginia, at an excessive speed in willful or wanton disregard for the safety of others at the time of the motor vehicle crash at issue in this case.

RESPONSE: This Defendant objects to the Request for Admission as this Request calls for a legal conclusion or otherwise attempts to re-cast legal issues as factual matters.

13. Please admit that Defendant Jakob Nathaniel Streyle violated Article 333.12 of the City of Fairmont ordinances by operating the police pickup truck in willful or wanton disregard for the safety of persons or property at the time of the motor vehicle crash at issue in this case.

RESPONSE: This Defendant objects to the Request for Admission as this Request calls for a legal conclusion or otherwise attempts to re-cast legal issues as factual matters.

14. Please admit that Defendant Jakob Nathaniel Streyle violated Article 335.01 of the City of Fairmont ordinances by driving the police pickup truck at a greater speed than was reasonable and prudent under the conditions at the time of the motor vehicle crash at issue in this case.

RESPONSE: This Defendant objects to the Request for Admission as this Request calls for a legal conclusion or otherwise attempts to re-cast legal issues as factual matters.

15. Please admit that Defendant Jakob Nathaniel Streyle violated Article 335.01 of the City of Fairmont ordinances by failing to control the speed of the police truck to avoid colliding with the vehicle being driven by Steven Gene Santini at the time of the motor vehicle crash at issue in this case.

RESPONSE: This Defendant objects to the Request for Admission as this Request calls for a legal conclusion or otherwise attempts to re-cast legal issues as factual matters.

16. Please admit that Defendant Jakob Nathaniel Streyle violated Article 335.01 of the City of Fairmont ordinances by failing to follow the posted speed limit at the time of the motor vehicle crash at issue in this case.

RESPONSE: This Defendant objects to the Request for Admission as this Request calls for a legal conclusion or otherwise attempts to re-cast legal issues as factual matters.

17. Please admit that Defendant Jakob Nathaniel Streyle violated Article 335.01 of the City of Fairmont ordinances by failing to use due care in the operation of the police truck at the time of the motor vehicle crash at issue in this case.

RESPONSE: This Defendant objects to the Request for Admission as this Request calls for a legal conclusion or otherwise attempts to re-cast legal issues as factual matters.

18. Please admit that Defendant Jakob Nathaniel Streyle violated City of Fairmont policy by failing to abide by posted speed restrictions while operating the 2016 RAM RTR2 police pickup truck on Country Club Road in Fairmont, Marion County, West Virginia, at the time of the motor vehicle crash at issue in this case.

RESPONSE: This Defendant objects to the Request for Admission as this Request calls for a legal conclusion or otherwise attempts to re-cast legal issues as factual matters.

19. Admit that the City of Fairmont took no disciplinary action against Defendant Jakob Nathaniel Streyle as a result of his actions related to the motor vehicle crash at issue in this case.

RESPONSE: Admit.

20. Admit that the City of Fairmont took no disciplinary action against Defendant Christopher Guinup as a result of his actions related to the motor vehicle crash at issue in this case.

RESPONSE: Admit.

21 Please admit that on July 10, 2019 before the subject crash, Christopher Guinup was aware that Jakob Streyle was operating the 2016 RAM RTR2 police pickup truck well in violation of the law on Country Club Road in Fairmont, Marion County, West Virginia.

RESPONSE: Upon information and belief, denied.

22. Please admit that on July 10, 2019 before the subject crash, Christopher Guinup took no affirmative action to deter Jakob Streyle from operating the 2016 RAM RTR2 police pickup truck well in excess of the posted speed limit of 35 m.p.h. on Country Club Road in Fairmont, Marion County, West Virginia.

RESPONSE: This Defendant objects to this Request for Admission as it presumes a duty on Officer Guinup.

23. Please admit that on July 10, 2019 before the subject crash, Christopher Guinup violated City of Fairmont Police Department policy by knowingly allowing Jakob Nathaniel Streyle to drive at speeds excess of the posted speed limit of 35 m.p.h. on Country Club Road in Fairmont, Marion County, West Virginia without taking any affirmative action to deter Jakob Streyle from operating the 2016 RAM RTR2 police pickup truck in such manner.

RESPONSE: This Defendant objects to the Request for Admission as this Request calls for a legal conclusion or otherwise attempts to re-cast legal issues as factual matters.

24. Please admit that on July 10, 2019 before the subject crash, Jakob Nathaniel Streyle violated City of Fairmont Police Department policy by driving the 2016 RAM RTR2 police pickup

truck at speeds well in excess of the posted speed limit of 35 m.p.h. on Country Club Road in Fairmont, Marion County, West Virginia.

RESPONSE: This Defendant objects to the Request for Admission as this Request calls for a legal conclusion or otherwise attempts to re-cast legal issues as factual matters.

25. Please admit that on July 10, 2019 before the subject crash, Jakob Nathaniel Streyle violated City of Fairmont Police Department training by driving the 2016 RAM RTR2 police pickup truck at speeds well in excess of the posted speed limit of 35 m.p.h. on Country Club Road in Fairmont, Marion County, West Virginia.

RESPONSE: This Defendant objects to the Request for Admission as this Request calls for a legal conclusion or otherwise attempts to re-cast legal issues as factual matters.

Respectfully submitted:

/s/ Allison M. Subacz
Cy A. Hill, Jr. (WV State Bar: 8816)
Allison M. Subacz (WV State Bar: 11378)
Cipriani & Werner, P.C.
500 Lee Street, Suite 900
Charleston, WV 25301
304-341-0500 – Phone
304-341-0507 – Fax
chill@c-wlaw.com
asubacz@c-wlaw.com



West Virginia E-Filing Notice

CC-24-2020-C-46

Judge: Patrick Wilson

To: Allison Subacz
asubacz@c-wlaw.com

NOTICE OF FILING

IN THE CIRCUIT COURT OF MARION COUNTY, WEST VIRGINIA

Emily Calhoun Santini v. Jakob Streyle

CC-24-2020-C-46

The following certificate of service was FILED on 6/18/2020 3:04:28 PM

Notice Date: 6/18/2020 3:04:28 PM

Rhonda Starn
CLERK OF THE CIRCUIT
Marion
219 Adam Street, Room 211
FAIRMONT, WV 26554

(304) 367-5360
rhonda.starn@courtswv.gov

IN THE CIRCUIT COURT OF MARION COUNTY, WEST VIRGINIA

**EMILY CALHOON SANTINI, individually
And as Executrix of the Estate of
STEVEN GENE SANTINI, deceased**

Plaintiff,

v.

**Civil Action No.: 20-C-46
Honorable Judge Wilson**

**CITY OF FAIRMONT, a municipal corporation
JAKOB NATHANIEL STREYLE and
CHRISTOPHER GUINUP
Defendants.**

CERTIFICATE OF SERVICE

I hereby certify that on this 18th day of June, 2020, I caused service of the foregoing
**DEFENDANT CITY OF FAIRMONT'S RESPONSE TO PLAINTIFF'S FIRST SET OF
REQUESTS FOR ADMISSIONS** to be made upon counsel of record by e-filing:

Tony L. O'Dell, Esquire
Max L. Corley, Esquire
Tiano O'Dell, PLLC
PO Box 11830
Charleston, WV 25339
Counsel for Plaintiff

/s/ Allison M. Subacz

Cy A. Hill, Jr. (WVSB #8816)
Allison M. Subacz (WVSB #11378)
CIPRIANI & WERNER, PC
500 Lee Street East, Suite 900
Charleston WV 25301
304-341-0500
304-341-0507 (fax)
chill@c-wlaw.com
asubacz@c-wlaw.com